

**THE DISTRICT COURT OF GUAM**

ELI CHARFAUROS QUINTANILLA,

Plaintiff,

vs.

HONORABLE JUDGE VERNON P. PEREZ;  
ATTORNEY JAMES SPIVEY; and  
ATTORNEY GENERAL,

Defendants.

CIVIL CASE NO. 22-00011

**ORDER**

Before the court is Plaintiff Eli Charfauros Quintanilla's Petition for Writ of Habeas Corpus. ECF No 3. For the foregoing reasons, the court **DENIES** the Petition.

**I. Discussion**

On May 11, 2022, Quintanilla filed an Affidavit of Indigency and Request for Counsel addressed to the Ninth Circuit Court of Appeals. ECF No. 1. On May 18, 2022, Magistrate Judge Bordallo informed Quintanilla that he must either file a petition of habeas corpus with this court on a court approved form, or must appeal his conviction to the Supreme Court of Guam. ECF No. 2. On June 6, 2022, Quintanilla filed the instant Petition related to Superior Court of Guam case number CF0486-15. Pet. at 1, ECF No. 3.

1 Section 2244(d)(1) contains a one-year statute of limitations which requires a state  
2 prisoner seeking relief under § 2254 to file a petition for writ of habeas corpus on the latest of the  
3 four following dates:

4 (A) the date on which the judgment became final by the conclusion of direct review or  
5 the expiration of the time for seeking such review;

6 (B) the date on which the impediment to filing an application created by State action in  
7 violation of the Constitution or laws of the United States is removed, if the applicant was  
8 prevented from filing by such State action;

9 (C) the date on which the constitutional right asserted was initially recognized by the  
10 Supreme Court, if the right has been newly recognized by the Supreme Court and made  
11 retroactively applicable to cases on collateral review; or

12 (D) the date on which the factual predicate of the claim or claims presented could have  
13 been discovered through the exercise of due diligence.

14 28 U.S.C. §2244(d)(1).

15 While Quintanilla filed this petition while he was “in custody” in the Guam Department  
16 of Corrections, Pet. at 1, ECF No. 3, he files it more than one year after his judgment of  
17 conviction became final, in violation of the one-year statute of limitations contained in 28 U.S.C.  
18 §2244(d). Specifically, Quintanilla filed the instance Petition on June 6, 2022, ECF No. 3,  
19 whereas the Judgment in his Superior Court of Guam Case, CF0486-15, became final on August  
20 17, 2018. To this, Quintanilla responds that he “didn’t know how to appeal these issues. With the  
21 fact of incarceration, no legal resources, no legal counsel, no knowledge of where to start nor  
22 how to explain my concerns or issues, no knowledge of technical formalities, statutes, or rules  
23 applicable to appealing matters concerning my case.” Pet. at 14, ECF No. 3.

24 Unfortunately, Quintanilla’s position is not contemplated by § 2244(d). Therefore, the

1 court **DENIES** the Petition.

2 **II. Conclusion**

3 For the aforementioned reasons, the court **DENIES** the Petition.

4 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood  
Chief Judge  
Dated: Sep 12, 2022

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